



PLANNING, BUILDING AND DEVELOPMENT

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October 21, 2013

The Honorable David A. Bowers, Mayor
Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

As Chairman of the Roanoke City Board of Zoning Appeals for 2013, it is my honor to present to you the annual report for July 1, 2012 through June 30, 2013. The Board of Zoning Appeals held nine (9) regular public hearings, during which there was one (1) variance request, fifteen (15) special exception (use) requests, and three (3) appeals of Zoning Administrator's decision.

In the current year, the Board of Zoning Appeals' goals are: first, continue to serve the citizens and developers of the community in furthering the use, development and redevelopment of property through variances and special exceptions; second, to continue to act as a discretionary administrative body and make decisions in matters where a person or party within the community is aggrieved by a decision made in the administration or enforcement of the zoning ordinance; and lastly, to recommend to the Planning Commission and City Council necessary revisions to the zoning ordinance in order for the Board to continue to provide fair and equitable service to the community and its citizens. The Board continues to work with the City Attorney's Office to assure that our procedures promote a concise and fair process.

On behalf of the Board, I would like to express our appreciation for Council's ongoing efforts to improve the effectiveness of the Board of Zoning Appeals through funding for the training and certification of the Board members.

Sincerely,

W. Michael Woolwine, Chair
Board of Zoning Appeals

CITY OF ROANOKE BOARD OF ZONING APPEALS

Appointment of the Board

The Council of the City of Roanoke appoints a Board of Zoning Appeals in accordance with enabling legislation as set forth by the Commonwealth of Virginia, which provides that the said Board of Zoning Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the zoning ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

Membership of the Board

The Board of Zoning Appeals shall consist of seven members, appointed for a term of three years and removable for just cause by City Council, upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members may be reappointed and may serve up to three consecutive, three-year terms.

Powers of the Board

The Board is appointed by City Council to act as a discretionary administrative body to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by administrative officials in the enforcement of the zoning ordinance adopted pursuant thereto.

The Board is charged with the responsibility to hear, decide and authorize special exceptions to the terms of the zoning ordinance based upon certain criteria and findings as specified in the ordinance; and to hear, decide, and authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance that would not be contrary to the public interest where a literal enforcement of the provisions of such ordinance would result in unnecessary hardship, provided in all cases, the spirit of the ordinance shall be observed and substantial justice done.

SUMMARY OF BOARD ACTION July 1, 2012, through June 30, 2013

During the fiscal year of July 1, 2012, through June 30, 2013, the Board of Zoning Appeals heard 19 requests. These applications consisted of 1 Variance request, 15 Special Exception requests, and 3 Appeals.

SUMMARY

VARIANCES	1	SPECIAL EXCEPTIONS APPROVED	14
VARIANCES DENIED	1	SPECIAL EXCEPTIONS WITHDRAWN	1
APPEALS	3		
APPEALS WITHDRAWN	1		
APPEALS ON HOLD	1		
APPEALS GRANTED	1		

ATTENDANCE

There were 9 regular hearings held in this fiscal year.

BOARD MEMBER	ATTENDANCE
Terry Wayne Cundiff	9 of 9
Bryan Musselwhite	8 of 9
Drew Kepley	6 of 9
Mike Woolwine	9 of 9
Roger Malouf	8 of 9
Rob Logan	9 of 9
Steven Trompeter	5 of 5 (appointed 1/1/13)

July 1, 2012 through June 30, 2013 BZA Cases

File No.	Applicant	Location/tax No.	Request	Code Section	Result
ZA120005	Eugene M. Bane, III, President, Evolution3, LLC	2151 Berkley Ave., SW, #1430414	Special exception-expand nonconforming use	36.2-705(c)	Granted 10/9/12
ZA120006	711 Fourth Street, LLCI	711 4 th St., SW, #1020112	Variance	36.2-312	Denied 10/9/12
ZA120007	Timothy W. Wheat	934 Rockland Ave., N.W., # 2050231	Special exception Two-Family Dwelling	36.2-311	Granted 11/13/12
ZA130001	Dyniss, LLC and AT&T	2067 McVitty Rd., SW, #5100908	Special Exception Wireless Telecommunications	36.2-315	Granted 2/13/13 with conditions
ZA130002	Claudia Benitez	5105 Melrose Ave., NW, #6110143	Special Exception Eating and Drinking Establishment	36.2-315	Granted 2/13/13 with conditions
ZA130003	Claudia Benitez	5105 Melrose Ave., NW, #6110143	Special Exception Entertainment Establishment	36.2-315	Withdrawn
ZA130004	AT&T	3787 Parliament Rd., SW, #5490208	Special Exception Wireless Telecommunications	36.2-315	Granted 2/13/13 with conditions
ZA130005	Galaxy Printing, LLC	1817 Salem Ave., SW, #1311507	Special Exception Change Nonconforming use	36.2-707	Granted 3/13/13 with conditions
ZA130006	Precision Commercial Holdings, LLC	1634 Seibel Drive, NE, #7190101	Special Exception for Steel Fabrication	36.2-322	Granted 3/13/13 with conditions
ZA130007	G. Michael Pace, Jr.	4524 Melrose Ave., NE, #6071101	Appeal of Zoning Administrator Decision	36.2-315	On Hold
ZA130008	Jade Daniels	1420 Third St., SW #1031305	Special Exception trade school	36.2-315	Granted 4/10/13
ZA130009	Clinton Yandle	2416 Shenandoah Ave., NW, #2311009	Special Exception Change Nonconforming Use	36.2-707	Granted 4/10/13 with conditions
ZA130010	Barry St. John	913, 917, 921 Georgia Ave., NE, #3061305-7	Special Exception Two-Family Dwelling	36.2-311	Granted 4/10/13 with conditions
ZA130011	Roanoke River Associates	1620 and 1700 Jefferson, St., SE, Walnut Ave., SE, #4040301, 4040401, 4030305-6	Special Exception offsite parking and trash/refuse collection	36.2-315	Granted 4/10/13 with conditions

July 1, 2012 through June 30, 2013 BZA Cases

ZA130012	Roanoke River Associates	1620 and 1700 Jefferson, St., SE, Walnut Ave., SE, #4040301, 4040401, 4030305-6	Special Exception offsite parking and trash/refuse collection	36.2-315	Granted 4/10/13 with conditions
ZA130013	Robert A. Marra	2916 Brambleton Ave., SW, #1650701	Special Exception change nonconforming use	36.2-707	Granted 5/8/13 with conditions
ZA130014	Mike Powell	4509 Salem Tpke, N.W. #6081203	Special Exception change nonconforming use	36.2-707	Granted 5/8/13
ZA130015	W.F. Mason, Jr.	2626 Avenham Ave, S.W. #1061104	Appeal	36.2-425	Granted 5/8/13
ZA130016	W. F. Jason, Jr.	2626 Avenham Ave, S.W. #1061104	Appeal	36.2-425	Withdrawn